

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

JOE HAND PROMOTIONS, INC.,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 11-CV-1214 (FB) (MDG)

TRACY BLAIS, individually and as an
officer, director, shareholder and/or
principal of Lonestar Bar & Grill, and
TRACY BLAIS d/b/a LONESTAR BAR &
GRILL,

Defendants.

x

BLOCK, Senior District Judge:

On September 10, 2013, Magistrate Judge Go issued a report and recommendation ("R&R") recommending that judgment be entered against defendants in the amount of \$6,000. The R&R recited that "[a]ny objections must be filed . . . by September 27, 2013," and that "[f]ailure to file timely objections may waive the right to appeal the District Court's Order." R&R at 17. The R&R was mailed to defendants' last known address on September 11. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review

of the magistrate's decision."'). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review. The Clerk is directed to enter judgment accordingly.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

September 30, 2013
Brooklyn, New York